

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL NO. 1:03CV152

ANNA V. SCHILLING,)
)
 Plaintiff-Judgment Debtor,)
)
 Vs.)
)
 RUTHERFORD PEDIATRICS, P.A., a)
 North Carolina Professional)
 Association,)
)
 Defendant-Judgment)
 Creditor.)
 _____)

**ORDER FOR FINAL EXECUTION
AND PRECLUSION OF EXEMPT
PROPERTY**

THIS MATTER is before the Court on the Judgment Creditor's motion for an order of final execution and to preclude exempt property rights.

The Judgment Debtor was served with a copy of the Judgment together with a copy of the Notice of Right to Have Exemptions Designated and Schedule of Debtors Property and Request to Set Aside Exempt Property. The Judgment Debtor has failed to file a Schedule of Debtors Property and Request to Set Aside Exempt Property and has failed to respond within the time allowed. The Court, therefore, finds that the Judgment Debtor has had a reasonable opportunity to assert the exemptions provided by law and that the Judgment Debtor's failure to respond should be considered a waiver of any right to have property set aside as exempt from the execution of the Judgment in this case.

IT IS, THEREFORE, ORDERED that the Judgment Debtor is precluded from having any of her property set aside as exempt from Judgment in this case.

IT IS FURTHER ORDERED that a final execution be issued by the Clerk of Court for the collection of the Judgment in this case.

Signed: July 22, 2005

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', written over a horizontal line.

Lacy H. Thornburg
United States District Judge

